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ETHICAL DECISION MAKING ON THE BATTLEFIELD: AN ANALYSIS OF TRAINING FOR U.S. ARMY SPECIAL FORCES

A Thesis presented to the Faculty of the U.S. Army Command and General Staff College in partial fulfillment of the requirements for the degree

MASTER OF MILITARY ART AND SCIENCE

by

PETER J. DILLON, MAJ, USA
B.A., Virginia Military Institute, Lexington, Virginia, 1978
M.A., Indiana University, Bloomington, Indiana, 1991

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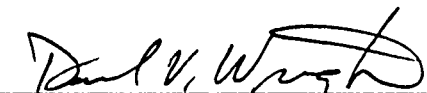
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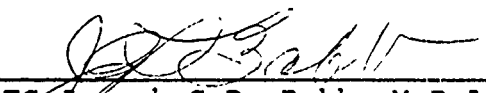
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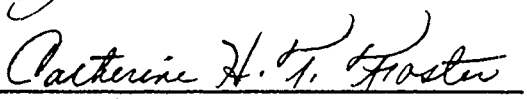
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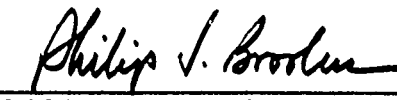
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The opinions and conclusions expressed herein are those of the student author and do not necessarily represent the views of the U.S Army Command and General Staff College or any other governmental agency. (References to this study should include the foregoing statement.)

ABSTRACT

ETHICAL DECISION MAKING ON THE BATTLEFIELD: AN ANALYSIS OF TRAINING FOR U.S. ARMY SPECIAL FORCES by MAJ Peter J. Dillon, USA, 112 pages.

The central question of this study is whether the U.S. Army provides adequate training for Special Forces soldiers to make ethical decisions on the battlefield. The value of this study is that it may have an impact on future Special Forces training. This thesis provides observations outlining the particular needs of Special Forces soldiers with traditional ethical decision-making training conducted by the U.S. Army.

The conclusion of this research suggests that the level of ethical decision-making skills for Special Forces soldiers is adequate. Yet, this study offers two recommendations. The most important is the need for continued study in the field of ethical decision making. The second is to examine ethical decision making for the command and control elements, the unit leaders, of Special Forces organizations. The goal of battlefield ethics is unsupervised predictability of soldier conduct.

An interesting observation from the research is that ethical decision training must include dilemma resolution. The SF soldier must be prepared to resolve the emotional responses of ethical decision making. In this way Special Forces soldiers are better prepared to operate on the battlefield.

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I would like to acknowledge the patience and assistance of the members of the faculty and staff of the U.S. Army Command and General Staff College during my research of this thesis. I especially want to mention the professionalism and honest interest of Colonel Catherine Foster. Her critical assessment of the objective of this work helped clear the fog of student ambition. LTC Babb provided me invaluable support during this academic year. His thorough examination of the research and his candor with advice and counsel greatly improved the quality of this study. LTC Dan Wright, Committee Chair, was my guide and steadily encouraged me to pursue the subject of ethics in the Army. His mentoring and teaching style of leadership gave me the confidence to complete the thesis.

I want to mention the important role played by other CGSC students. My MMAS seminar group gave valuable input for the final shape of the thesis. Major Richard Zak, as seminar leader, was very sincere and gave thoughtful advice on how to best structure the paper and develop the research methodology. I received wonderful support from Staff Group 11A. Their collective enthusiasm was a real source of motivation.

Finally, I want to express my deep thanks and affection for my family. Their support and understanding of my need to spend time with this project instead of them is heart-felt. This project was undertaken for many reasons, not least for my children and my wife.

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CHAPTER 1

INTRODUCTION

Combat operations, across the spectrum of conflict, from peacetime competition through general global war, involve moral choices in the use of violent force. Moral choices are made at every level of a military organization. The difference between a general and a private is the amount and type of force used. The general indirectly focuses the destructive energy of many weapons and soldiers. The soldier's force is the direct application of his skill using his individual or crew-served weapon.

During combat operations, moral decisions made by conventional military units become mutually supported. Conventional combat units use traditional means of fire and maneuver to defeat enemy forces. Conventional units normally operate on somewhat well structured battlefields. The units are deliberately organized in a hierarchy to produce unit cohesion and provide mutual support. Divisions contain brigades, which contain battalions, further subdivided into companies, platoons, squads, teams or crews; and ultimately individual soldiers. When ethical dilemmas confront leaders or their subordinates, their moral choices

are mutually supported.

Special Operations (SO) units do not share the same mutual support for moral decision making. U.S. Army Special Operations units "may conduct unconventional warfare (UW), counter-terrorist operations, collective security, psychological operations (PYSOPS) and civil affairs measures."[i] The Army's unconventional warfare unit, Special Forces (SF), often operate in small teams in enemy-held or politically sensitive territory. These teams are separated, both geographically, and in terms of real-time communications capabilities, from their higher headquarters.

These teams are designed, tasked, and employed to operate independently across the operational continuum. At times they must make independent moral decisions without the benefit of support or guidance from a senior headquarters. Army Special Forces soldiers, unlike their conventional counterparts, often must assume complete responsibility for their moral and ethical behavior because of the isolated nature of their operations and because of their physical location on the extended battlefield.

The central question of this study is whether the U.S. Army provides adequate training for Special Forces soldiers to make ethical decisions on the battlefield.

This study of ethical and moral decision-making skills of U.S. Army SF soldiers, was spawned by an incident during the Persian Gulf War. On 23 February 1991 less than 100

miles south of Baghdad three Non-commissioned Officers from a Special Forces unit were conducting a reconnaissance mission. They were to watch and report any Iraqi troop movements possibly reinforcing the Kuwaiti Theater of Operations (KTO). A young Iraqi girl discovered the three soldiers in their "hide site." The NCOs aimed their weapons at the young intruder but did not fire. In that tense moment the soldiers made a moral decision. The girl fled, but came back bringing her father to show him where the soldiers were. Confirming the presence of Americans, the father and child ran to alert Iraqi forces nearby. The reconnaissance mission was compromised and Iraqi forces deployed to engage the Americans. The team requested immediate extraction. Under the protection of U.S. Air Force fighter aircraft, a Special Operations Aviation (SOA) Blackhawk helicopter recovered the team in a daring daylight rescue. The team and the helicopter crew suffered no casualties during the recovery.[1]

What factors influenced the reconnaissance team's decision not to shoot the girl? Did the Army provide them adequate training to prepare them to deal with the type of moral and ethical dilemma they faced? At first glance, the answer to the last question is yes, the training is adequate. The reconnaissance team did not kill the girl or her father. They were noncombatants. Yet, the girl and her father threatened the survival of the team members by

alerting Iraqi armed forces. Beyond personal survival, in making their decision not to kill the girl, the reconnaissance team jeopardized their mission. The emergency extraction to rescue them risked both the Air Force pilots that provided air cover and the Army helicopter crew that flew in for the pickup. The Army measures success by mission accomplishment. This mission failed and almost ended in tragedy.

Societal influences had a bearing on the decisions made by the reconnaissance team. Americans stress playing by the "rules." International laws, treaties among nations setting limits to military violence, and military custom combine to form the laws of war. The idea of laws governing warfare has a long history in Western society.

The United States is a signatory nation to several treaties that form part of the law of war. The 1907 Hague Conventions established guidelines for the conduct of war. Elements of the Hague Conventions include actions at the opening of hostilities, the conduct of combat, the rights and duties of neutral powers, naval bombardment, and maritime warfare principles. Four Geneva Conventions (GC) were established in 1949. For this study, the most important of the GC concerns the treatment of prisoners of war and the protection of civilians in time of war.

Legal opinions handed down also form part of the law of war. Judgements from the trials of war criminals such as

Japanese General Yamashita, from the International Military Tribunal for the Far East provided further definitions of a commander's responsibility to prevent war crimes. Finally, national law and custom complete the framework of the law of war. The white flag of surrender is an example of a customary signal used in war. U.S. soldiers charged with war crimes are tried under the articles of the Uniform Code of Military Justice (UCMJ), which is the military's legal code and national law.

Field Manual (FM) 27-10 The Law of Land Warfare (1956 with Change 1) describes three general principles that stem from the customs and treaties of the law of war:

(1) **Military Necessity** "justifies those measures not forbidden by international law which are indispensable for securing the complete submission of the enemy as soon as possible."[3]

(2) **Proportionality** states that "the loss of life and damage to property must not be out of proportion to the military advantage gained."[4]

(3) **Unnecessary Suffering** forbids the employment of "arms, projectiles, or material calculated to cause unnecessary suffering."[5]

Military necessity, proportionality and unnecessary suffering influence moral decisions by attempting to place limits on the destructive nature of war.

Several moral issues add to the complexity of the law of war. "Because of the integrated nature of modern life, military forces [in conflict on the battlefield] are seldom isolated from civilian populations."[6] This is especially true for Special Forces units often operating in enemy controlled or denied territory. This proximity of combatants to noncombatants was central to the moral dilemma faced by the reconnaissance team described above.

Actions for the "greater good" or "common good" are fundamental to the American just war theory. Death and injury to noncombatants or destruction of civil property can be justified if the result provides a greater good in support of the goals of the conflict. The point here is that a greater good will come from military action and the use of violence including injuries suffered by noncombatants, than by allowing the evil condition to continue because of inaction. A corollary to this idea of the "greater good" is the notion of the "lesser evil."

The human cost of war is rationalized. It is argued that actions taken to change a current evil situation, no matter how harmful, are the lesser evil than permitting the existing conditions to continue.[7] Understanding the moral issues, either the idea of a greater good or a lesser evil, should be a part of ethical and moral training.

This thesis is not an investigation into what is wrong with ethics in the United States armed forces. Nor is it an

attempt to justify one set of ethical standards over another. This study accepts the existing professional Army ethic, as outlined in FM 100-1, The Army (1986). This study will conclude whether Special Forces soldiers receive adequate training in ethical decision making.

Army doctrine establishes the tenets of the Army ethic as: loyalty, duty, selfless service, and integrity. It goes on to identify four individual soldier values that serve to "strengthen the professional Army ethic." These individual values are: commitment, competence, candor, and courage. "The ultimate [ethical] goal of the military needs to [be the] . . . unsupervised predictability of its members."[8] This is particularly applicable to the Special Forces soldier. Together the Army ethic and individual soldier values provide guidelines of behavior to achieve a proper level of unsupervised predictability.

Scope of the Study

Special Forces soldiers are the focus of this study. These soldiers are recruited from conventional Army units and are assessed for their suitability to serve in SF units. Soldiers selected for SF training must have a high degree of self-confidence. They must be physically and psychologically fit for the demands of special operations. SF soldiers must function independently but also cooperate

with others. Their commanders must rely on them and trust them because they often operate in small teams or even alone.

SF soldiers, in addition to basic and advanced conventional Army training programs, undergo intensive SF training. The initial qualification training lasts from five to twelve months depending on the Military Occupational Skill (MOS) specialty. Foreign language training follows the basic skills instruction. Special Forces Groups, the largest SF units, are globally oriented and stress cultural awareness training. SF soldiers study the languages that reflect their unit's regional orientation.

According to FM 31-20, Doctrine for Special Forces Operations, the "centerpiece" of SF operations is the SF operational detachment-A (SFODA), also known as the A-detachment. The detachment has two enlisted specialists, normally noncommissioned officers, in each of the five SF functional areas: weapons, engineer, medical, communications, and operations and intelligence. Detachment members have expertise in at least one functional specialty and are cross-trained in others. Each team member has several responsibilities during mission planning, preparation, and execution. SF teams infiltrate and exfiltrate specified operational areas by air, land, or sea. They conduct operations in remote areas and politically sensitive environments for extended periods with minimal

external direction and support.

The SFODA can be tailored to do many SF unique missions. A brief description, from FM 31-20, of Special Forces missions will help the reader better appreciate the need to examine the ethical decision-making training the Special Forces soldier receives.

There are five basic missions or types of missions conducted by Special Forces units. These missions include: direct action, special reconnaissance, unconventional warfare, foreign internal defense, and counterterrorism.

Direct Action (DA) "operations are short-duration strikes and other small-scale offensive actions to seize, destroy, or inflict damage on a specified target or to destroy, capture, or recover designated personnel or material."

Special Reconnaissance (SR) "is reconnaissance and surveillance conducted to obtain or verify, by visual observation or other collection methods, information concerning the capabilities, intentions, and activities of an actual or potential enemy." (This was the type of mission the three sergeants were conducting in Iraq).

Unconventional warfare (UW) "is a broad spectrum of military and paramilitary operations, normally of long duration, predominantly conducted by indigenous or surrogate forces. These forces are organized, trained, equipped, supported, and directed in varying degrees by an external source. UW

includes guerrilla warfare (GW) and other direct offensive low-visibility, covert, or clandestine operations. GW includes the indirect activities of subversion, sabotage, intelligence collection, and evasion and escape (E&E)."

Foreign Internal Defense (FID) "is the participation by civilian and military agencies of a government (U.S.) in any of the action programs taken by another government to free itself and protect its society from subversion, lawlessness, and insurgency. The primary SF mission in this interagency activity is to organize, train, advise, and assist Host Nation (HN) military and paramilitary forces."

Counterterrorism (CT) includes "offensive measures taken by civilian and military agencies of a government to prevent, deter, and respond to terrorism. The primary mission of the Special Forces in this interagency activity is to apply specialized capabilities to preclude, preempt, and resolve terrorist incidents abroad."[9]

This description of Special Forces missions gives an introduction to the scope of operational employment possibilities for the SFODA. SF missions have a greater potential to encounter ethical dilemmas requiring moral decisions than conventional combat units. Considering these possible missions, there is a need to examine and assess the training of moral and ethical decision-making skills of Special Forces soldiers.

The purpose of this study is to analyze and assess current training in ethical decision-making skills. Ethical decision making involves understanding and applying restraints on military operations based on the law of war. The restraints include rules of engagement, regulations, diplomatic limitations, and professional and individual values. Before an assessment of SF training can be done, an understanding of conventional forces training in battlefield ethics is necessary. This will establish a base line of knowledge from which to analyze Special Forces training.

Several questions impact on this study. When answered, they may provide insights as to what level of training SF soldiers need in order to develop adequate ethical decision-making skills. The questions are:

1) Do Special Forces soldiers require additional training in the laws of war and ethical decision making beyond the level taught to conventional forces?

2) Does current training at the Special Warfare Center, Ft. Bragg, and at unit locations, provide adequate training in the laws of war and ethical decision making?

3) If more training is needed, what should be the focus of the training?

Special Forces soldiers get a baseline level of training in ethical decision making and the laws of war during their conventional force service. All officers and non-commissioned officers are accessed into SF units after

initial entry level training and service in conventional force units. Normally, a soldier will serve from three to six years in conventional forces before selection, training, and assignment to a Special Forces Operational A-Detachment.

I assume additional training in ethical decision making will give the SF soldier an ethical and moral point of reference to use in making ethical and moral decisions. This assumption accepts the idea that the laws of war, rules of engagement, the Army ethic, and individual soldier values serve as guidelines but they do not provide ready solutions or hard-and-fast rules for solving ethical dilemmas encountered on the battlefield.

Several key terms must be defined to serve as common reference for further discussion of the subject. **Ethics** is the study of standards of conduct and moral judgement. It is a system or code of morals that guide individuals, religions, groups, and professions. **Morals** are principles, standards, or habits with respect to right or wrong in conduct or behavior. Morals relate to or deal with the capability of knowing the distinction between right and wrong. **Values** are the social principles, goals, or standards that are held or accepted by an individual, class, or society. **A dilemma** is a situation where a person must choose between unpleasant alternatives. For the soldier on the battlefield it often involves the use of deadly force. Some dilemmas encountered during combat operations involve

choices between individual or unit mission accomplishment, or even survival. Some dilemmas involve compliance with the rules of engagement, the law of war, or an individual soldier's moral values. War, according to Carl von Clausewitz, "is an act of violence intended to compel [an] opponent to fulfil our will."[10] War, as conducted by the forces of the United States, is regulated by the law of war. The law is both written and unwritten (treaty & custom). It has evolved over time trying to diminish the brutality of war by: protecting combatants and noncombatants from unnecessary suffering; safeguarding fundamental human rights of persons who fall into the hands of the enemy - prisoners of war, the wound and sick, and civilians; and to help restore peace.[11] The objective of adequate training in ethical and moral conduct should be unsupervised predictability. "When an ethical situation presents itself to a [Special Forces soldier], his decisions should be predictable based on the previous training and education received."[12]

A primary limitation of this study is the subjectiveness of the topic. Analysis and assessment of ethical decision-making training are relative terms. Assessment or evaluation of training of ethical and moral skills is not easily quantifiable. This study is also limited by the amount of research material dedicated to the ethical and moral training of Special Forces soldiers. This

may require analysis and deductions from information on conventional force training specifically on the subjects the laws of war, low-intensity conflict, and terrorism. Another possible limitation is the security classification of research material. Classified material will not be used in this study. There may be Special Forces activities that would be germane to this paper that are classified and therefore beyond the scope of this study.

I will concentrate on research material from the post Vietnam War period. The study will rely on analysis of current Special Forces training in the law of war and ethical decision making. This thesis concerns only individual SF soldier training and will not cover ethical or moral considerations of command and control of SF units. The moral dimension of command and control of SF units would be the next logical step in the study; this may become a recommendation for further study on this topic. The constraint of time will prevent any on-site evaluation of moral and ethical training in Special Forces units or at the John F. Kennedy Special Warfare Center (JFKSWC or SWC) at Fort Bragg, North Carolina. The research will be limited to analysis of written sources, a survey of a small sample of U.S. Army Command And General Staff College students, and interviews.

This thesis is structured into five chapters. Chapter 1 is the introduction of the topic. It will establish the

parameters of the study, including the research question, definitions, limitations, delimitations, and the significance of the research. Chapter 2 is a review of pertinent literature on the subject. I will review U.S. Army publications and training programs. Academic sources pertinent to the subject will be reviewed to provide the reader with a better base of knowledge about the subject. Next, in Chapter 3, the methodology for research will be described. The methodology describes the organization and analysis of the information to be collected from the research. Chapter 4 is the analysis of collected information. This chapter identifies whether Special Forces soldiers have an adequate level ethical decision-making skills. The research should determine if a gap exists between what is currently taught and deemed adequate for training ethical decision-making skills and what officers perceive they need for adequate decision-making skills. Lastly, Chapter 5 contains conclusions of the study. This chapter also provides recommendations, if warranted, for future study in this subject.

Summary

The value of this study is that it may have an impact on future Special Forces training. I hope it will enhance awareness of the need for ethical decision-making training.

I will determine whether the current training provides Special Forces soldiers with the necessary decision-making skills when faced with actual or hypothetical ethical dilemmas. The study may find that current Special Forces training is limited to understanding "basic law of war provisions of the Geneva and Hague conventions."[13] This level of training is generally typical of conventional general purpose forces operating across the spectrum of conflict. Special Forces soldiers need an approach to training for and the application of the laws of war that provides assurances for unsupervised predictability.

This thesis also may be useful for conventional U.S. Army units. Because the world security situation is rapidly changing, conventional forces may be called on to conduct traditional unconventional warfare missions, usually the purview of the Special Forces. Conventional force soldiers may increasingly face moral and ethical dilemmas without the support of traditionally structured chains of command or support.

The Special Forces soldier may have to make moral decisions in seconds. The only sources of support are his teammates with similar experiences and his training in the application of the law of war and decision making. This thesis will provide observations outlining the particular needs of Special Forces soldiers with the traditional ethical decision-making training conducted by the U.S. Army.

ENDNOTES

1. Field Manual 101-5-1, Operational Terms and Symbols, Washington DC: US Government Printing Office, 1985, p. 1-66.

2. This incident was first publicly reported in June, 1991 by Newsweek journalist Douglas Waller, "Secret Warriors," Newsweek, 17 June, 1991, Vol. CXVII, Nr. 24.

3. Field Manual 27-10, The Law of Land Warfare, Washington D.C.: U.S. Government Printing Office, 1976, para. 3-a., p. 3.

4. Ibid. para. 41, p. 19.

5. Ibid. para. 34, p. 18.

6. Rev Edward A. Malloy, "The Control of Violence, Foreign and Domestic: Some Ethical Lessons From Law Enforcement," The Joseph A. Reich Distinguished Lecture on War, Morality, and the Military Profession, Colorado Springs: USAF Academy, 1990, p. 8.

7. James L. Narel, "A Dialogue on the Law of War", Ethics and the Military Profession, West Point, New York: Ethics and Professionalism Committee, USMA, 1980, p. 5.

8. Lorenzini, Edward V. "Ethics in the Military: An Assessment and Recommendation for Changing Behavior" An unpublished paper, Air Force Institute of Technology, Air University: Maxwell AFB, AL, 1989, p. 10.

9. FM 31-20, p. 3-1 to 3-4.

10. Carl von Clausewitz, Vom Kriege (On War), ed. Anatol Rapoport, Baltimore: Penguin Books, 1968, p. 101. Vom Kriege was originally published in 1832 from a draft manuscript after Clausewitz's death. This translation was first published by J.J. Graham in 1908.

11. Field Manual 27-10, p. 3-14.

12. Lorenzini, p. 10.

13. "Program of Instruction," Special Forces Detachment Officer Course 2E-18A, USAJFKSWC, 1990, p. 28.

CHAPTER 2

REVIEW OF LITERATURE

> Without ethics, without morals, without control, you become a mob. Your Army disintegrates. You lose your honor and dignity as a nation.[1]
>
> Frederick Downs, 1987

The Special Forces soldier in combat can only rely on teammates and training. Part of the training involves understanding and making decisions when faced with an ethical dilemma. Like all soldiers, the SF soldier may have to discriminate quickly between an enemy soldier or a noncombatant. The soldier may have to decide whether to kill or spare the life of a person who may or may not be a threat. At times the decision and reaction must be made in seconds in an ambiguous environment. Training should provide a set of tools to help in that decision process. These tools are the knowledge and skills needed to make the best decision possible. Part of this knowledge must include the laws of war because most ethical dilemmas on the battlefield involve law of war issues.

Current literature provides in-depth information on ethics, professional military ethics, and ethical decision

making. Different categories of studies on ethics include: the study of the history of ethics, ethics, as they relate to society (medical ethics, business ethics etc.), and understanding and teaching ethical decision making. For this study, information on professional military ethics serves as the start point for the inquiry. Information on decision making and teaching decision-making skills forms the balance of the research.

The great quantity of material written on ethics can quickly overwhelm the reader. Nevertheless a limited foundation is still necessary to understand the more complex issues involved with military ethics. Ethics and war appear to be diametrically opposed. Ethics conjures up ideas of just and correct moral choices; while war evokes images of destruction and death, or evil. It is not my intention to summarize the major trends in ethics here. Yet it is important to understand the notion that a soldier "ought to do the right thing" is central to the ethical value system of the U.S. Army.

This thesis focuses on ethical dilemmas created by restraints according to the laws of war on the use of violence against noncombatants. The literature review is presented to familiarize the reader with the key sources of knowledge studied and incorporated in this thesis. In this study all sources are unclassified. The literature includes Army publications, published and unpublished material.

The literature review is organized into three subsections:

1. Ethics and the professional military.
2. The laws of war and training.
3. How ethics and ethical decision making are taught.

I have found no literature directly covering the subject area of this thesis, specifically, ethical decision-making training for SF soldiers. This does not imply that nothing exists on the topic. There is a wealth of literature written about ethics and military ethics. Some literature addresses the learning and teaching of ethics, but there is nothing that directly treats the subject of training ethical decision making for SF soldiers.

The succeeding subsections of this chapter provide a brief synopsis of the significant literature sources used in this thesis. I do not intend the literature review to be an annotated bibliography, instead it focuses on the content found in the literature. The literature defines the issues, helps to establish the framework of the study, and provides information for analysis.

I. Ethics and the Professional Military.

The U.S. Army has established a professional Army ethic. The Army ethic is based on core American national values. American values embrace the ideas of truth, life,

liberty, equal opportunity, the pursuit of happiness, justice and fairness, peace and security, and responsibility. These values can be found in the Declaration of Independence and the United States Constitution. The professional Army ethic is a combination of institutional and individual values accepted as the ideal behavior for Army leaders and their soldiers. The four points of the professional Army ethic are, loyalty, duty, selfless service, and integrity. Together they form part of the Army's standards for behavior.

The Professional Army Ethic.

Army Field Manual 100-1 The Army (1986) states that loyalty means loyalty to the nation, the Army, and to the unit. Loyalty involves the notion of obligation. Soldiers, by their sworn oath, have an obligation to "support and defend the Constitution of the United States."[2] This sense of obligation extends further to the Army, as an institution, and to other soldiers serving in the Army. FM 100-1 specifically addresses a soldier's obligation to the military and civilian superiors in the chain of command. Implicit in this idea is the obligation that extends both horizontally and vertically. It extends out to peers, upward to superiors, and downward to subordinates. The sense of obligation becomes a soldier's duty to his country.

Duty is the next element of the Army professional ethic. FM 100-1 clearly relates a soldier's duty to the acceptance of responsibility. "Duty is obedience and disciplined performance, despite difficulty or danger."[3] The sense of duty is the characteristic that distinguishes great soldiers from poor ones. Duty is more than the trained or conditioned responses to orders; it also includes a soldier's individual sense of responsibility to those around him and to the larger institutions of the Army and the nation.

The third point of the professional Army ethic is selfless service. FM 100-1 touches on the idea of altruistic behavior as a proper goal in development of the Army ethic. The common attitude is that the welfare of the nation, the needs of the Army, and the accomplishment of the military mission come before individual wants or needs. For the soldier, selfless service often entails some form of personal sacrifice. Normally it involves accepting the physical rigors of military life, the rigid social structure, and personal danger. "Military service demands the willingness to sacrifice, even if it means giving one's life in defense of the nation."[4] This way of life creates a bond of trust among soldiers.

The last point of the professional Army ethic, integrity, is bound to the idea of trust among soldiers. Integrity is the basic moral principle of the Army ethic.

"It means honesty, uprightness, and the avoidance of deception."[5] Integrity breeds confidence among soldiers. The value of integrity lacks limits in the hierarchical structure of the military. Integrity cuts across all ranks and branches of the Army. Integrity among soldiers is the fundamental trait that must exist for the Army to function according to core American values.

Soldier Values.

The Army also describes four individual values as part of the military ethic. These are commitment, competence, candor, and courage. They provide further ethical standards of behavior.[6] Commitment is a soldier's dedication to serve the nation. They are proud to be in the Army. The result is teamwork. It also is an acceptance of responsibility that other people depend on a soldier's commitment to duty.

The second individual value is competence. Competence, in this context, means tactical and technical proficiency. It is the essential ingredient for success. Competence is knowing the job, doing the best a soldier can, and developing professional and personal abilities to the utmost. Competence builds on commitment and equates to a high level of proficiency.

The third soldier value is candor. Integrity is useless without the candor of individuals who accept the professional Army ethic. "Candor is honesty and fidelity to the truth."[7] Honesty and candor are inseparable. It is part of the bond between soldiers.

The final value is courage. Courage is the personal trait that "makes it possible for soldiers to fight and win."[8] Courage is both physical and moral. Courage gives the soldier strength to do what is right. Soldiers need strength and perseverance to withstand danger, fear, or difficulty in the performance of their duties. Strength and perseverance come from courage. Courage is fundamental to ethical behavior. Together, the professional Army ethic and the individual values form parts of the ethical decision-making process.

The Just-War Theory.

The literature regarding military ethics generally begins with the assurance that a soldier is a professional. To understand better the profession of arms, a short summary of the just-war criteria will provide a philosophical foundation for further insight into military ethics. Father Edward A. Malloy, president of Notre Dame University, describes the just-war theory as an attempt to approach morally the great human problem of violence and its

control.[9] Father Malloy goes on to say that "the just-war theory is a powerful and flexible framework for the purpose [to think through the challenges of war] and will serve us well if we but use it."[10] Morality for war and morality in war are the primary features of the just-war theory.

The principles of the morality for war (Jus Ad Bellum), or the right to make war, include the following seven elements:

1) War must have a just cause; meaning that the cause for war should be for the protection and preservation of values.

2) The state that chooses war must be the proper authority; those authorizing war must be responsible representatives of a sovereign political body.

3) The state that chooses war must have the right intention; the intent for war must be in harmony with the cause.

4) Proportionality of ends; the good achieved by the war must not be outweighed by the harm it produces.

5) War must be the last resort; meaning no other means, short of war, for settling the matter in question will work.

6) The state must have a reasonable hope for success; there should be no imprudent gambling with military force, victory must be attainable.

7) The aim of war must be peace; among the ends for which the war is fought should be the goal of international stability and peace.[11]

The casual observer can see that the U.S. Government followed the tenets of Jus ad Bellum in its decision to use military force in the recent Persian Gulf War.

Morality in war (Jus in Bello) governs the conduct of people that are involved in war. Two key ideas make up Jus in Bello. The first is the proportionality of means. Combatants should avoid unnecessary harm or suffering in war. The second is discrimination in the use of force, also known as noncombatant immunity. Noncombatants should be protected from direct and intentional harm.[12] Jus ad Bellum and Jus in Bello are central theories in the laws of war that will be addressed below.

Military Ethics.

As stated above, the professional Army ethic incorporates the accepted values that American citizens come to expect of their military forces. The idea, that military service constitutes a profession, is well documented. Dr. Samuel Huntington, of Harvard University, developed an accepted model for professions that he applied to the U.S. armed forces.[13] Huntington stated that for a group to be considered a profession, it must exhibit three essential

characteristics. These characteristics are expertise, responsibility, and corporateness. According to Huntington, the U.S. military displays all three characteristics.

In studying the military profession, Mannuel M. Davenport, Professor of Philosophy at Texas A&M University, writes that members of professions share common ethical responsibilities. Members of the profession of arms "state and enforce a code of ethical responsibilities."[14] This responsibility is to protect the safety and welfare of humanity because they [military professionals] are "custodians of legalized violence."[15] General Douglas MacArthur described the use of violence as a soldier's "sacred trust" to society. The responsibility for the expert use of violence and corporate nature of military service gives the U.S. Army and its members a professional status.

Another consistent theme in the literature is that the professional Army ethic can be legitimately expanded to provide greater definition and guidance to professional soldiers. Former Army officer, author, and university ethics professor Anthony E. Hartle has identified three fundamental influences on professional military ethics.[16] These influences come from the functional requirements of the service, the laws of war, and (again) the enduring core of American values.

Hartle further provides seven principles for professional soldiers:

> 1. Always do their duty, subordinating their personal interests to the requirements of their professional function. Duty here is understood both in the sense of response to immediate, specific requirements established by the organization-direct orders-and in the sense of the overarching responsibility for the security of the state under the Constitution.
> 2. Conduct themselves as persons of honor whose integrity, loyalty, and courage are exemplary. Honesty, courage, and integrity are essential qualities on the battlefield if a military organization is to function effectively.
> 3. Develop and maintain the highest possible level of professional skill and knowledge.
> 4. Take full responsibility for their orders.
> 5. Strictly observe the principle that the military is subject to civilian authority.
> 6. Promote the welfare of their subordinates as persons, not merely as soldiers.
> 7. Adhere to laws of war in performing their professional function.[17]

Hartle's principles provide greater definition and augment the established values of the Army's professional ethic. The professional Army ethic gives structure for training and enforcing the ethical conduct of professional soldiers. Special Forces sergeants and officers are bound by the same ethical standards as their conventional counterparts; there are no "special" standards for the Army's unconventional soldiers.

II. The Law of War and Training.

The Hague and Geneva Conventions are the basis for the international laws of war. These conventions codify in detail the laws of war. The Geneva Conventions (GC), ratified by the U.S. Congress in 1956, carry the force of law for U.S military forces and supersede U.S. domestic law. The 4th GC is "Relative to the Protection of Civilian Persons in Time of War." Part II of the 4th GC, the "General Protection of Populations Against Certain Consequences of War," is central to the theme of this study. It describes the general protection of civilians against the effects of hostilities. Article 13, of Part II includes entire "populations of the countries in conflict without any adverse distinction based, in particular, on race, nationality, religion or political opinion and are intended to alleviate the sufferings caused by war (emphasis is mine)."[18]

Article 27 of Part II further states that:

> protected persons are entitled, in all circumstances, to respect for their persons, their honor, their family rights, their religious convictions and practices, and their manners and customs. They shall always be humanely treated, and shall be protected especially against acts of violence or threats of it and against insults and public curiosity.[19]

These articles form the internationally accepted definition of noncombatants.

The U.S. Army Field Manual (FM) 27-10, The Law of Land Warfare (w/ Change 1, 1956) provides "authoritative guidance" to the Army on the law of war. It is the basis for training of the rules of land combat to all Army personnel. FM 27-10 outlines the purpose of the laws of war, basic principles, and sources of the laws. FM 27-10 is the Army's official policy on the laws of war.

The Army's professional code is based in part on the laws of war. "The laws of war ensure the military professional must distinguish between his clients [his sponsoring state] and humanity."[20] War crimes are typically described as "crimes against humanity." A soldier is not immune from his responsibility to society through obedience to orders. "The paramount duty then of the military professional is to promote the safety and welfare of humanity and this duty, according to military law takes precedence over duties to clients, who as his fellow citizens, are but a particular portion of the human race."[21]

Teaching the Law of War.

The Army teaches the laws of war to all soldiers and officers. Training in laws of war is conducted at every level of the Army's extensive military education system. Initial training for officers begins before an individual

swears to the oath of commission. For example, the law of war requirements for Reserve Officer Training Corps (ROTC) and U.S. Military Academy cadets, and Officer Candidate School (OCS) candidates are outlined in the Military Qualification Manual (MQS) I, Precommissioning Requirements (1986). The requirements include an understanding of what are legal military targets, tactics and weapons; how to treat captives and detainees; how to treat civilians; the rights and duties of prisoners of war; and finally, how to prevent war crimes.[22] As officers progress through the ranks, instruction in the laws of war continues. The training corresponds to the increased responsibility each officer assumes with each promotion and duty assignment.

All lieutenants and captains must be proficient in the conduct of small unit operations according to the law of war.[23] Junior officers must be familiar with the reasons for regulating hostilities and the general principles of the Geneva and Hague Conventions. They must identify the basic prohibitions of the law of war concerning targets, weapons and tactics. Lieutenants and captains must describe the correct actions to take when encountering prisoners of war (PWs), other detainees, and civilians on the battlefield. Further, they must be familiar with the rights and obligations of PWs. Finally, they must know the duties of an officer to prevent law of war violations and to report any law of war violations that they cannot prevent.[24] Army

instruction on the law of war is sequential and progressive. Soldiers are taught law of war throughout their time in service.

Training for soldiers parallels officer training. Field Manual 27-2, Your Conduct in Combat (1984) explains the law of war that applies to all soldiers in combat. It is the manual that is used to teach the law of war to trainees and junior soldiers. In FM 27-2 the law of war is divided into four categories: forbidden targets, tactics, and techniques; enemy captives and detainees; civilians and private property; and prevention and reporting of unlawful acts and orders.[25] Each category contains permissible and prohibited actions followed by a brief explanation in clear direct language. The law of war is presented as common-sense laws regarding the treatment of civilians and private property. This manual is consistent with the material used for cadets and junior officers.

Army recruits receive their first training in the laws of war while undergoing Basic Combat Training (BCT) or One Station Unit Training (OSUT). OSUT soldiers at the Infantry School, Fort Benning, Georgia, receive one hour of instruction on five points of the laws of war. These trainees must be familiar with:

> 1) The principles, spirit, and intent of the Hague and Geneva Conventions.
> 2) The law of war prohibiting unnecessary destruction.
> 3) The law requiring humane treatment of Prisoners of War (PWs), other captured and

detained personnel, and civilians.
4) The obligation not to commit war crimes.
5) The obligation to report all violators of the law of war.

Precommissioning training for cadets and training received by recruits at OSUT stations differ only in the depth of detail of the subject matter. Both groups receive instruction on the same material.

Junior soldiers in Enlisted Grades 1 through 4 (E1-E4) are tested annually from the Soldier's Manual of Common Tasks, Skill Level 1 (STP 21-1, 1987). These soldiers must know how to "conduct combat operations according to the law of war."[26] This manual, similar to those mentioned above, defines the law of war in four basic areas. First, a soldier must only use lawful weapons, and tactics, and engage only lawful targets. Second, he must treat all captives, civilians and their property according to the laws of war. Third, he should act appropriately when faced with violations of the law of war. Finally, he must know his rights and duties as a prisoner of war.[27] This manual further describes how a soldier should be tested on this task by providing a "Training and Evaluation" outline. They should be tested individually on their understanding of the laws of war.[28] An evaluator briefs the soldier about a simulated combat situation. The evaluator then asks questions about the soldiers's recognition and actions regarding the Performance Measures.

The Performance Measures are:

1. Describe what are lawful weapons and ammunition.
2. Describe five illegal tactics on the battlefield.
3. Describe what are protected buildings.
4. Describe five items a soldier would provide for a captured enemy soldier.
5. Describe how a soldier would treat a female civilian and her property.
6. Describe what enemy military property is and what should be done with it.
7. Describe what actions a soldier would take if he or she received an illegal order or saw a violation of the law of war about to happen.
8. Describe what a soldier would do if a violation of the law of war was committed by friendly or enemy troops.
9. Describe what treatment a PW has the right to under the law of war.
10. Describe four items of information a PW must give to his or her captors.
11. Describe what a PW may be required to do.[29]

Successful completion of this "performance oriented" test is the culminating activity for junior soldiers in their training on the law of war.

Instruction on the law of war, accepting the values of the professional Army and individual ethic, and the application of the ethical decision-making process are all part of training that a sergeant or an officer receives before selection into Special Forces. Initial SF soldier and officer training is conducted at the Special Warfare Center (SWC). The purpose of the Special Forces Qualification course conducted by SWC is to train and qualify selected

officers and noncommissioned officers in the basic skills and knowledge required to serve on a SFOD-A.

Officers receive training in three subject areas that are pertinent to the subject of this thesis. The first concerns the legal aspects of Special Forces operations. "The student will describe the basic law of war provisions of the Geneva and Hague conventions to include the legal nature of an internal conflict (insurgency) and the responsibilities of a US advisor in unconventional warfare, foreign internal defense, and mobile training team missions."[30] The second pertains to the legal aspects of Evasion and Escape (E&E). The student will "cite and explain the legal duties, obligations, and rights of an evader and an escapee; and be able to distinguish the status between the two categories."[31] The final task involves the legal aspects of captivity and the Code of Conduct. Here the student must know "the legal obligations imposed because of captivity and show a knowledge of the legal aspects of the Code of Conduct."[32] Special Forces training augments and enhances the baseline level of knowledge of officers and NCOs about the laws of war and ethical responsibilities.

In the law of war, noncombatants are afforded protection from the effects of hostilities. This is the long held "moral standing principle of noncombatant immunity."[33] In a study by Barrie Paskins and Michael Dockrill, The Ethics of War, they asked several questions

concerning noncombatants that could have an impact on Special Forces missions. They questioned whether non-combatants still exist. If they exist, morally, do non-combatants require special protection? Finally, if accorded special protection, is the killing of noncombatants always forbidden?[34] Answers to these questions strike at the foundations of the Western tradition of the just-war theory and the Geneva and Hague Conventions.

FM 27-2 describes combatants as "all persons participating in military operations or activities. All others are noncombatants."[35] According to FM 27-2 noncombatants include civilians, medical personnel, chaplains, and other people captured or detained. In insurgency war, unfortunately, the distinction between combatants and noncombatants becomes blurred. Revolutionary groups, like the Sendero Luminoso (Shining Path) of Peru, wage their war against Peruvian society disregarding noncombatant immunity. For them there are no noncombatants. The scene is black and white, either one supports the insurgency or is against it. The insurgents's goal is to gain media attention and their values accept the killing of innocent civilians in certain cases to further their cause. For the purposes of this study and in keeping with U.S. Army doctrine stated in FM 27-10, the modern Western tradition of noncombatants does exist.

The answers to the questions about noncombatant immunity is bound with the acceptance of their existence. It also involves the meaning of death for noncombatants in war. "The combatant must recognize

> that death in war would be a fate internally connected with the activity. Except in very special circumstances, this does not apply to the noncombatant."[36]

Further "a combatant has the option and opportunity to regard

> the prospect of death in war as meaningful [for his cause, for his unit, for his teammates]; but the death in war of a noncombatant does not have any such guaranteed meaning."[37]

The Western tradition of noncombatant immunity seeks to preserve, even in time of war a sense of humanity. In peace, as in war, the noncombatant <u>does</u> exist. During SF operations, contact with noncombatants is a very real possibility and the SF soldier must prepare for the encounter.

The third question involves the notion of intent. "Moral principles govern not so much the action as [they govern the] intention; always look to a person's intentions than to their actions for moral assessment."[38] The prevention of harm to noncombatants, because of hostilities, invokes the law of war principles of military necessity, proportionality, and unnecessary suffering. International law and the just-war theory include the idea of actions taken for the common good. This puts a burden on the

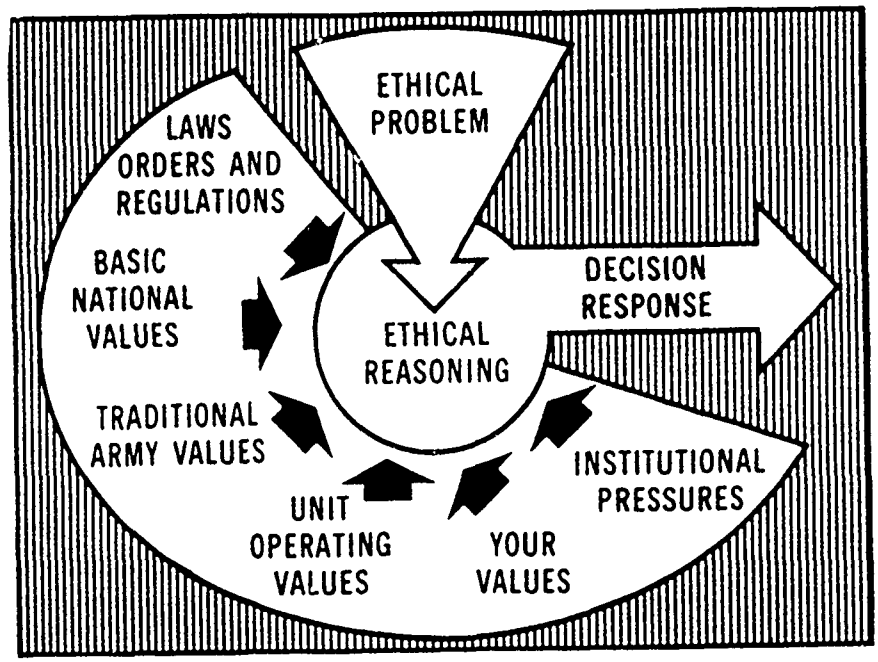
soldier in the field or the military leader. In the ethical dilemma faced by a commander who has to choose "between the lives of his troops and the lives of enemy noncombatants, what should he do?"[39] The answer is that the direct or intentional killing of noncombatants is not permissible. "Actions resulting in the deaths of innocents is not always forbidden, but action of which the deaths are a direct consequence is always forbidden."[40] The question of intent does not relieve the soldier of the responsibility for decisions and actions. It does provide a rationalization that the death of noncombatants, at times, is a lesser evil.

III. Teaching Ethical Decision Making

Instruction and training in ethics, as stated in Army Regulation (AR) 350-1 Army Training, falls in the category of Personal Knowledge Training Subjects. AR 350-1 recommends that subjects such as moral decision making be taught at the Basic Combat Training and Advanced Individual Training levels. AR 350-1 further stipulates that personnel attending Army service schools should receive instruction in personal decision making and ethics. Finally, AR 350-1 advocates that Chaplain Support Activities support unit commanders with training and instruction in ethics and ethical decision making.

Army Regulation 600-30, Chaplin Support Activities, effective 14 January, 1977, gives responsibility for ethics and decision-making training to Army Chaplains. Army Chaplains provide expertise and leadership when dealing with challenging moral and ethical issues that soldiers may encounter. Chaplain Support Activities "address fundamental human relationships."[41] The emphasis is on using ethical values for treating others with dignity. The objective of AR 600-30 is promote moral and ethical development apart from religious activities. It is to further contribute to problem solving and "to develop and extend the moral and ethical basis for personal decision making."[42] The lead for teaching ethics and ethical decision making belongs to unit Chaplains.

Many noncombatant deaths in war may be reduced by soldiers with adequate ethical decision-making skills.



FM 22-100, Military Leadership, uses the diagram above to illustrate the ethical decision-making process. The Army teaches a four step ethical decision-making process. The process is designed to help soldiers think through ethical dilemmas. In step 1 a soldier must interpret the situation. The soldier has to figure out what is the ethical dilemma. In step 2, all the factors and forces that effect the dilemma must be analyzed. Then, in step 3, the soldier must choose a course of action that will best serve the interests of the nation. Finally, in step 4, carry out the chosen course of action. Decision making boils down to a matter of choice. In reality, ethical decision making "is about judgement."[43]

The resolution of ethical dilemmas "merges the philosophy of ethics with the management science of decision making."[44] The important point here is that ethical decisions are based on values. Ethical values, when understood, accepted, and repeatedly applied, become habit. Habitual decisions reduce the anxiety of ethical dilemmas. An acceptable goal should be consistency in conduct through habitual decision making.

To attain that goal, a professional institution must instill its ethical standards in its trainees. Education in moral norms usually is a two step process. The first part is "instruction in the knowledge of moral norms and [the second part is] the consequent application of those

norms."[45] "In ethics, actions speak louder than words."[46] Teaching ethics, then must go beyond theoretical, it must be practiced and evaluated. At the Army War College, military leadership professor Colonel Dandridge "Mike" Malone is fond of saying, "the best way to give a soldier the opportunity to be ethical is to give him the opportunity to behave unethically and watch him choose."[47] Teaching ethics and ethical decision making is crucial to the goal of unsupervised predictability for Army SF soldiers.

The Army recognizes ethics as a basic part of leadership. Ethics, according to FM 22-100, "are the principles or standards that guide professionals to do the moral or right thing - what ought to be done."[48] The leadership manual specifies certain ethical responsibilities. The leader must "be a role model, develop subordinates ethically, and avoid creating ethical dilemmas for subordinates."[49] The leader must set the ethical example for his subordinates. For example:

> During Operation Just Cause, the Ranger Battalion Commander's decision to engage only *decisive military targets* with pre-assault fires sent a clear message to each Ranger: accomplish the mission without compromising what is morally right.[50]

His personal example set the ethical tempo of the battle. The act of ethical decision making is an inherent part of leadership and should be exercised at every level of the chain of command.

Methods for teaching ethics and the decision-making process are the subject of intense debate. The one accepted truth is that experience with a decision process gives the decision-maker a decided advantage over the inexperienced decision-maker. Admiral James B. Stockdale, a Navy pilot, a prisoner of war in North Vietnam for five years, and former superintendent at the Citadel, explored an agonistic approach to education, including ethical training. Agonistic education is an adversarial teacher-student relationship. It is based on challenge or combativeness in the classroom. He describes it as the "role of the pressure cooker."[51] It is a learning environment built around stress. It is a harsh physical regime and the constant pressure of academic studies that contribute to a learning environment that produces honorable students. The students are imbued with a concern for "loyalty, commitment, a capacity for compassion, [and] for idealism."[52]

Teaching methods in the literature provide examples of methods to instill ethical values and decision-making skills. The most common method encountered in the literature is the use of case studies. Both Mary E. Guy, in her work Ethical Decision Making in Everyday Work Situations, and Anthony E. Hartle, in his book entitled Moral Issues in Military Decision Making, use case studies to illustrate different ethical dilemmas. Both authors examine the issues and then present appropriate solutions.

The case study method is also used at Army schools. The OCS Leadership Workbook (SH 22-227, October 1991) uses a case study to provide officer candidates with an ethical dilemma. Possible resolutions proposed by the students are generated from questions asked about the dilemma. The primary instruction technique is a lecture followed by an instructor led discussion. At the Army's Command and General Staff College (CGSC), Fort Leavenworth, Kansas, ethics and the senior leader is treated in a four hour lesson. The students prepare for the class by reading pertinent sections FM 100-1, The Army (1986), academic material and two case studies. "Discussion and case studies form the basis of this lesson."[53] The teaching methods used by the Army are consistent with methods used in both the academic and commercial worlds.

Summary

The literature provides a suitable framework with which to begin an analytical process and answer the central question of this study. Answers to supporting questions can be readily determined by the material found during the research. The literature review is not a complete search of the topic, but it does provide the reader with a better understanding of the issues involved in this study.

I submit that the SF soldier has a greater chance of facing a moral or ethical dilemma than his conventional forces counterpart. I do not mean that conventional soldiers do not face moral or ethical problems. The proposition is that the SF soldier, because of his location on the extended battlefield and the isolated nature of SF operations, is more likely to encounter a moral or ethical dilemma that requires a decision. The SF soldier must be ready to make the best possible choice given the circumstances of the dilemma faced.

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CHAPTER 3

RESEARCH METHODOLOGY

To find out whether Special Forces soldiers receive adequate training in ethical decision making, I used a two-part research methodology. The first part is an analysis of the responses to a survey of a sample population of officers. The survey is critical to the study because it provides a sensus of officers' attitudes about ethics and ethical decision making. Their ideas are sufficiently detached from my perspective to provide additional insights to the study. The second part of the methodology uses interviews of selected officers about specific aspects of this study. My attendance at the CGSC provided a unique opportunity to solicit the varied and invaluable personal experiences of U.S. Army and international officers attending the Staff College. The interviews provided an important balance to the study beyond the survey results.

Before presenting a detailed description of the methodology, some comments about the literature review should made. The literature review provided some basic ideas for the research approach. The literature contained a

description of what and how the Army currently teaches about ethics, the laws of war, and ethical decision making. Conventional, or non-Special Forces training, provides a baseline level of knowledge. Special Forces training continues to build on that knowledge.

The methodology was designed to decide if Special Forces soldiers receive an adequate level of ethical decision-making training. Dilemmas about the laws of war are often the basis for ethical decisions in combat. Using the regulations, professional and individual values, and the rules of engagement, an SF soldier is expected to make a decision when faced with an ethical dilemma. Normally his choices are between unpleasant alternatives. The worst cases involve life or death decisions. The decisions and subsequent actions must be consistent with the laws of war.

The methodology strengthened the definition of what is an adequate level of ethical decision-making skills. The questions on the survey were not a test of an officer's knowledge about the laws of war. Although, as stated above, ethical dilemmas often involve the laws of war. The survey results offered some insights into the current attitudes of the sample survey population. These insights, when projected against current training practices, should either confirm or challenge the existence of an adequate level of ethical decision-making skills for SF soldiers.

The identity of the participants in the survey population was confidential. I was only interested in some limited background information from each officer for demographic purposes. What was important to the research were the intuitive responses to the survey's hypothetical situations and questions.

1. The Survey.

The reader can find the entire survey listed at Appendix 1 of this paper. The survey has three parts. The first gathered some general demographic information about the sample population. The sample population was made up of Army officers, both Special Forces and non-Special Forces. The subject group was SF officers. The control group was non-SF officers. CGSC officer students were chosen for two reasons. First, the sample population was a sample of convenience. The officer students were readily available. Second, all the officers, especially the SF officers, are responsible for training programs in their units. This includes the laws of war and professional military ethics. They decide what is to be trained and usually to what standard of proficiency. SF officers know from direct personal experience, as members of operational detachments, the training needs of Special Forces soldiers. An SF officer's level of knowledge of ethical decision making is

generally equal to and possibly superior to the SF Non-commissioned Officers and soldiers serving on SFODAs. SF and non-SF officers provided a reasonable source of information regarding the adequacy of training for ethical decision-making skills.

The survey was tested by 10 Master of Military Art and Science (MMAS) candidates and then approved by the Director of Academic Operations for the CGSC. The survey was issued to every Army Special Forces officer in the CGSC class of 1992. There were 28 eligible SF officers in the class and 14 returned completed surveys. I randomly issued the surveys to 32 non-SF officers. 19 non-SF officers completed and returned the survey.

The demographic portion of the survey, Part 1, provided generic information about the survey population. The aim here was to establish an anonymous, generalized individual SF officer and non-SF officer for comparison purposes. The demographic information included the age, rank, years in service, highest civilian education, military education experience, and the combat experience of each officer.

In Part 2 of the survey each participating officer read six situations that required a decision to resolve. Each officer then had to chose one of three responses to solve the problem. The first 4 situations were based on problems contained in Army Training Circular (TC) 27-10-1, Selected Problems in the Law of War, 1979.[1] The fifth situation was

developed from an idea discussed in Paskins and Dockrill's study about the ethics of war.[2] The sixth situation was developed from a television documentary entitled American Ethics: Under Orders, Under Fire, 1987.[3] Each survey participant then had to decide whether each situation contained an ethical dilemma.

The final section of the survey consisted of seven questions. The answers to these questions provided opinions from the officers about ethical decision training.

The results from the survey were tabulated with nonparameteric statistical calculations. The results of the survey served to test the hypothesis about the adequacy of ethical decision-making training for Special Forces soldiers. Population standard deviation and comparison tests of variance were used to show differences or similarities between SF officers and non-SF officers. The usual standard of comparison between several populations is based on the mean (averaged) figures being compared. A 95% confidence interval was calculated for a probability that the survey population's responses to the questions reflect the same attitudes of the greater population of SF and non-SF officers respectively. The results of the computations are analyzed in Chapter 4.

II. Interviews.

The interview portion of the research methodology involved asking the questions listed in Appendix 2 of this paper. I selected Special Forces officers based on their participation in the Persian Gulf War, other combat experience, and their interest in the subject of this study. The information obtained from the interviews augmented the findings of the survey analysis.

Summary.

The research methodology took advantage of the student population at the Army Command and General Staff College. The varied and invaluable experiences of other officers provided an assurance check on the validity of the thesis of this study. The responses of the officers represented a sensing of officers' current feelings about ethics and ethical decision making. The goal of the research methodology was to prove or disprove the hypothesis of the paper. It also provided quantitative information about the status of ethical decision making among a small sample population of Army officers. The observations and findings of the survey data may have an impact on future Special Forces training. It provides feedback to those responsible for ethical decision training.

ENDNOTES

1. Training Circular 27-10-1, Selected Problems in the Law of War, Washington DC: Headquarters, Department of the Army, 1979, p. 29-41.

2. Barrie Paskins and Michael Dockrill, The Ethics of War, Minneapolis: University of Minnesota Press, 1979, p. 221.

3. David Deutsch, dir. Ethics in America: Under Orders, Under Fire. Boston: WNET, 1987.

CHAPTER 4

RESEARCH ANALYSIS

> My fondest dream was to return to my home and I didn't care at all for the idea of dying in a prison camp; however, prisoner or not, I was still a soldier and bound by my code. I was stripped of all material assets, leaving only the intangibles which form the core of our existence: faith, ethics, morals, beliefs.
>
> Col. James N. Rowe, 1971[1]

Beyond a philosophical inquiry into military ethics and ethical decision-making training, this thesis present some insights from a sample of Army officers' perceptions about ethics. The aim of this chapter is to offer some objective information on a very subjective topic. The subjectiveness of ethical decision making comes from the nature of the task itself. Ethical decisions are often unique and are a matter of choice. The decision maker usually must make a choice, right or wrong, for a given situation. What the decisions might be and when they will occur is difficult to predict. So, training for ethical decision making can be viewed as either a one-time event or a continuous process. From my research, the Army supports the latter. The analysis of the data gathered in the research provides useful information in better understanding the adequacy of ethical decision making.

The research tool for this project was the survey instrument listed in Appendix 1. Analysis of the survey responses provided information from which observations can be made. The survey presented a composite image of the officers participating in the inquiry. The demographic information was subdivided between Special Forces officers and non-Special Forces combat and combat support officers. This information depicted who, in a generic sense, made up the sample population. This gives the reader a common point of reference as we consider each of the responses to the survey situations and the final questions.

The second part of the analysis focused on the responses to the given situations. Each hypothetical situation was a problem with a set of solutions to choose from to resolve the issue. The choices made by the SF officers and non-SF officers were collated separately. A comparison of the responses revealed some differences and similarities between the two groups of officers.

The third portion of the analysis was the observation and findings based on the preceding tabulated data. The survey responses from the small sample population offered an insight into the current attitudes of Army officers, both conventional and special operations, about the status of ethical decision making. This research information helps to confirm o allenge the existence of an adequate level of ethical decision-making skills for Special Forces soldiers.

I. Demographic Information.

The demographic information gathered from the survey gives the reader a picture of the survey population. The details of personal data were grouped in the following categories: rank, age, years in service, highest civilian education level, military occupational skill (MOS), and whether the officer had serve in combat. The following table presents the demographic information obtained from the survey.

Demographic information for a sample officer.

	SF Officer	Non-SF Off
RANK	Major (100%)	Major (78.9%) Captain 21.1%
AGE	37 years	37.3 years
Years in Service	14.6 years	14.4 years
Civilian Education	69% w/ BA/BS 31% w/ MA	47% w/ BA/BS 52.6% w/ MA
Combat Experience: Yes or No	Yes 69% No 31.7%	Yes 26.4% No 73.6%

The biggest differences between the two groups of officers involved combat experience and advanced civil schooling. Special Forces officers are twice as likely to have served in combat as their non-SF counterpart. There are two possible reasons for this difference. The first is that the Special Forces branch [MOS] has fewer officers assigned and so the SF officer is more likely to be involved in combat operations more often than a conventional forces officer coming from larger branches of the service such as the Infantry or Armor. There are only 300 Special Forces Majors serving the Army as of August 1991. The second is that special operations are conducted both in peace and war. Special operating forces are regularly employed in many of the missions described in Chapter 1. These missions often occur in combat zones where U.S. presence is limited to Special Forces teams or individuals. Non-SF officers do not have the same opportunity for similar experiences. The contrast in combat experience between the two groups may help explain differences in the choices made to resolve the situations presented in the survey and analyzed below.

The other big difference is that non-SF officers have a greater likelihood of having an advanced civil schooling degree than their Special Forces peer. This difference is perhaps attributable to the amount of time spent in Special Forces qualification training for the SF officer and at what time in a career the training takes place. Assessment,

selection for, and SF training normally is accomplished after an officer is promoted to the rank of captain with 4 to 6 years in service. This is about the same amount of time available for advanced civil schooling opportunities for the non-SF officer.

Beyond these two distinctions, the two groups of surveyed officers are very similar. The composite officer from the two groups has another notable characteristic that may have had a bearing on the survey responses. This characteristic involves the military education that the survey population received. When all respondents are considered as a group, the largest group attended the same military school. Of the total survey population, 43% went to the Infantry Officer Advanced Course (IOAC). The next largest group, 22%, attended the Combined Arms Staff and Service School (CAS^3). The third largest number from the two groups, 15% for each school, attended either the Armor Officer Advanced Course, (AOAC), or the Field Artillery Officer Basic and Advanced Courses (FAOBC & FAOAC). The overall composite image of the officers surveyed is a combat arms trained officer.

II. Analysis of the Situation Responses.

The survey population was presented with six hypothetical situations. Each situation had three options

to choose to solve each problem. The options were followed by whether the surveyed officer thought the situation, as described, was an ethical dilemma. The responses were tabulated in two categories. Column 1 were the choices and opinions made by Special Forces officers. Column 2 were the choices and opinions made by non-SF officers.

When viewed together, the differences between the population samples provide insights into any variation in the level of ethical decision-making skills between the two groups of officers. The instructions to the survey population asked for intuitive or "gut" responses to each situation. What follows is a short summary of each situation and a table graphically showing the responses by each survey group.

Situation 1. Civilian aiding the enemy.

The scene in the first situation involved a report of civilians from a capture town. Two families were suspected of aiding the enemy. The company commander requested guidance from his commander [the surveyed officer] and recommended burning the homes of the offenders as a deterrent against similar acts in the future. The surveyed officer's options were:

A. Release the families because they are noncombatants.

B. Turn the families over the Host Nation (HN) police, the

families should be tried by proper authorities.

C. Try the families to determine their guilt or innocence, if found guilty, they are prisoners of war and their homes can be burned, if found innocent, they must be released.

The survey results are listed in Table A.

TABLE A. Situation 1. Civilians aiding the enemy.		
Options	SF Officers %-(#)	Non-SF Off %-(#)
Choice A.	7% (1)	0
Choice B.	85.71% (12)	100% (19)
Choice C.	7% (1)	0
Ethical Dilemma: Yes	0	10% (2)
Ethical Dilemma: No	100% (14)	89.4% (17)

The most appropriate response to this situation is choice B. Both survey groups chose Option B. But some SF officers wanted more information. They wanted to know more about the HN police; the role of the police in the society and their human rights record in treating civilians. This kind of information, in the SF officer's opinion, would help in the final decision.

Situation 2. Evacuation of the village.

The second situation required a decision about an order received from higher headquarters. The order stipulates

that civilians are to be evacuated from the battle area. Forcible evacuation is authorized. Houses belonging to civilians refusing to leave will be destroyed. Some villagers have announced their intention to stay. Would the subordinate leader have any reservations about the order as given? The options were:

A. The order is illegal. Individual or mass evacuations are prohibited.

B. A lawful evacuation can be carried out by force even if the civil population refuses to obey. Noncompliance can be punished by the proper authority.

C. The order is lawful. Punishment for disobedience can be imposed summarily. The survey results are listed in Table B.

TABLE B. Situation 2. Evacuation of the village.

Options	SF Officers % - (#)	Non-SF Off % - (#)
Choice A.	7.69% (1)	26.3% (5)
Choice B.	92.3% (12)	73.68% (14)
Choice C.	0	0
Ethical Dilemma: Yes	64.28% (9)	41.17% (7)
Ethical Dilemma: No	35.7% (5)	58.82% (10)

Option B is the proper response in this situation. A one in four variation among non-SF officers between options A and B was recorded. No apparent justification explains the difference between choosing between A or B. It is

interesting the difference between the two groups when asked whether the situation was an ethical dilemma. The SF officers, as group, said the situation was an ethical dilemma while the non-SF officers, by a small margin said no.

Situation 3. A Soldier Shot.

The third situation involves the death of a squad leader killed, possibly, by civilians. The village was searched but no weapons were found. Some suspects were rounded up. Certain soldiers in the unit demand retaliation for the murder of the sergeant. The unit's new mission is now to defend the village where the sergeant was killed. What should the unit leader do? The options available were:

A. It is permissible to apply physical or mental coercion to gather information from civilians. The unit leader must find out who fired the shot that killed his soldier.

B. Evacuate the soldier's body and continue the mission to defend the village. Reprisals against civilians and their property is forbidden.

C. Evacuate the civilians to a prisoner of war (PW) collection point and report the incident the military police.

Table C. shows the results of this survey situation.

TABLE C. Situation 3. A Soldier Shot.		
Options	SF Officers % - (#)	Non-SF Off % - (#)
Choice A.	0	0
Choice B.	50% (7)	55.26% (10)
Choice C.	50% (7)	44.73% (8)
Ethical Dilemma: Yes	42.85% (6)	23.52% (4)
Ethical Dilemma: No	57.14% (8)	76.47% (13)

In this situation, leadership is the focal point. Option B is the most appropriate response. The leader may have to take a moral stand on the ethical issues and set the example for the soldiers in the unit. SF officers were evenly split between options B and C, while non-SF officers sided more with option B. Option C involves an active response with regard to the civilians of the village; giving the unit a sense of "doing something" about the sergeant's death. Option C also may involve small unit group dynamics more than option B. Small unit leadership may help explain the difference among SF officers. Special Forces units are small and are entirely comprised of both officer and NCO leaders. Small unit leadership is more prevalent on SF teams.

Situation 4. The Spy?

The forth situation portrays a prisoner captured behind friendly lines. He is wearing a tattered enemy camouflage uniform with no unit insignia. He was found with a radio and a pistol hidden under his jacket. Units in the area near where the prisoner was captured have suffered from accurate enemy air attacks. The prisoner is threatened with trial as a spy if he does not cooperate. The prisoner, however, claims Prisoner of War (PW) status under the policies of the Geneva Convention.

Even after the prisoner was captured the air attacks have continued. The interrogating officer must find out if any more enemy "spies" are operating in the rear area. The following choices were available to the survey population:

A. The prisoner is a spy because he lacked unit insignia and he carried a concealed weapon. He looses Prisoner of War status and can be tried as a spy. Any means to gain the necessary information are permissible.

B. The prisoner was operating outside the legal bounds of the law of war. Covert and clandestine operations are not legitimate combat operations. The prisoner was acting like a spy. Torture, still, cannot be used against a PW or a spy.

C. This prisoner cannot be tried as a spy. Enemy soldiers in uniform who gather information in the enemy zone of

operations do not commit espionage. Reconnaissance is a lawful activity.

The survey results for Situation 4 are listed in Table D.

TABLE D. Situation 4. The Spy?

Options	SF Officers % - (#)	Non-SF Off % - (#)
Choice A.	0	5.56% (1)
Choice B.	0	27.78% (5)
Choice C.	100% (13)	67.67% (12)
Ethical Dilemma: Yes	7.69% (1)	10.52% (2)
Ethical Dilemma: No	92.3% (12)	89.47% (17)

The proper choice in this situation is C. One observation can easily be drawn from the information contained in Table D. SF officers are more familiar with the different aspects of the above situation. The SF mission of special reconnaissance (SR), like the above scenario and the reconnaissance mission into Iraq, can end in capture of the observation team. Preparation for this possibility is normally included in SR training. Non-SF officers are usually in the business of conducting security operations to capture enemy deep reconnaissance teams.

Situation 5. The Terrorist and Hostage.

The problem in the fifth scenario depicts a hostage-terrorist situation. A terrorist has commandeered a

civilian aircraft and is holding forty-eight passengers hostage. The terrorist controls an explosive device and is using a female passenger as a human shield against outside attack. The terrorist has made demands that cannot be met. The bomb on board is set to explode in ten minutes. A sniper from an anti-terrorist unit can see the terrorist, but would have to "shoot through" the passenger to kill the terrorist. The commander of the anti-terrorist unit must choose a course of action. The choices provided in the survey were:

A. Do not allow the sniper to shoot. Possibly the terrorist will release the woman, then the other passengers.

B. Allow the sniper to shoot, accepting the risk of the harm to the hostage.

C. The commander can opt to storm the aircraft, hoping to distract the terrorist long enough to give the sniper a clear shot.

The survey results for situation 5 are recorded in Table E.

TABLE E. Situation 5. The Terrorist and Hostage.

Options	SF Officers % - (#)	Non-SF Off % - (#)
Choice A.	0	10.52% (2)
Choice B.	100% (14)	68.42% (13)
Choice C.	0	21.05% (4)
Ethical Dilemma: Yes	7.69% (1)	44.45% (8)
Ethical Dilemma: No	92.3% (12)	55.56% (10)

There is no right or proper solution to this situation. There are better options than others, but none is without risk. The interesting result in the outcome of this situation is the unanimous selection of Option B by the SF officers compared to a more diverse choice among non-SF officers. Counterterrorism and anti-terrorism (there is a difference between the two) are activities conducted by special operating forces. SF officers may appreciate the capabilities and limitations of the different options more than their non-SF counterparts. The SF officers' selection of option B (100%) and their description of the situation as not being an ethical dilemma (92%) shows that the decision process, as one SF officer commented, was more governed by tactics than by ethics.

Situation 6. Under Fire.

The final hypothetical situation was about a platoon participating in an attack to seize a hilltop objective. The platoon suffers three casualties in the early phase of the assault, none serious. The platoon reaches a position that provides cover from the enemy fire. Because the platoon's assault stops, a gap is created between the platoon and the rest of the company. The gap allows the enemy flanking fire into the other platoons causing more casualties. The commander calls on the radio to get the

platoon moving. The platoon leader orders the third squad to continue the attack. The squad leader refuses to move. The squad leader is told by the platoon leader that he will be tried by courts martial for cowardice if he does not move forward. The commander calls again. The platoon leader threatens the squad leader with his rifle; the squad leader still refuses.

The platoon leader must take action, he must make a decision. The following choices were provided to the survey population:

A. Shoot the squad leader, cowardice in the face of the enemy is a crime, punishable by death. The platoon needs to get moving, and the leader must show that he means it.

B. Call up the third squad and order them to move, fully knowing that they will take more casualties in the assault.

C. Disarm the squad leader, place him under arrest for cowardice. Lead the assault with the rest of the squad.

The survey results for situation 6 are recorded in Table F.

TABLE F. Situation 6. Under Fire.

Options	SF Officers % - (#)	Non-SF Off % -(#)
Choice A.	0	0
Choice B.	0	0
Choice C.	100% (14)	100% (19)
Ethical Dilemma: Yes	8.34% (1)	11.76% (2)
Ethical Dilemma: No	91.67% (11)	88.23% (15)

The best choice in this situation is option C. Both survey groups were unanimous in their selection of C. The model for this scenario was obtained during the research for this study. In a television documentary American Ethics: Under Orders, Under Fire, the program moderator presented a similar situation to a panel member, former Army Lieutenant and Vietnam War veteran, Frederick Downs. His response was to shoot the soldier who refused to move. This response is not consistent with Army ethical standards today or during the Vietnam war. Yet Downs' point was that the pressure to accomplish the mission coupled with the responsibility and obligation to other soldiers creates, in Anthony Hartle's words "the savage quandaries that inevitably arise" [in battle].[2] The responses from the survey population clearly show that the level ethical decision-making skill is well established.

III. Final Survey Questions.

The final seven questions of the survey asked for both objective answers and opinions. Each answer has been separated in two categories: Special Forces officers and conventional or non-Special Forces officers. The answers provide specific information about ethical training and the adequacy of that training. These questions provide an additional insight into the survey population's attitudes

about ethics and ethical decision-making training. Observations about the responses will follow each table of questions and responses.

1. "When did you receive instruction in ethics and ethical decision making? (Select one/more)"		
Selection	SF Officers (14)	Non-SF Offs (19)
Civil Education	1	3
Cadet/OCS	8	13
Off Basic Course	11	12
Off Advanced Course	10	15
CGSC	11	16
Other: SFQC 4, CAS[3] 2, OPD 1, DEOMI 1.		

There is a general consistency of responses between the SF and non-SF officers about when they received training in ethics and ethical decision making. The one noticeable trend for non-SF officers is the steady increase in ethical training as the officers progressed in rank and time-in-service based on the Army schools attended. For the SF officers there is a more consistent number who feel ethics is taught throughout the education system.

2. "Is there a good technique to teach military ethics and ethical decision making? (Select one/more)"		
Selection	SF Officers (14)	Non-SF Offs 19
Classroom instruction.	11	18
Role playing	10	13
Independent reading.	8	12
Incorporate w/ FTX	8	11
Other	PE/surveys 1	

The decreasing numbers among the different teaching techniques shows a perceived, and perhaps real, distinction between teaching and training. The selected choices descend from instruction to training. Classroom instruction is the typical method used to teach ethics and ethical decision making. As stated in Chapter 2, case studies are the primary teaching tool for ethical decision training. Case studies are the method most used and so it is the method most associated with ethics training among the surveyed officers.

3. "Who, in the armed forces should receive ethical decision-making training?" 12 of 13 SF officers stated everyone should receive ethical decision-making training. 18 of 19 non-SF officers stated that everyone should receive the training.

The survey population is in agreement about who should receive ethical decision-making training. This response

shows that ethical decision-making training should not be restricted to commissioned or noncommissioned officers, or the different branches within the Army. This consensus is consistent with Army policy.

4. "Is there a guiding principle(s) for maintaining ethical standards during combat operations? (Select one/more)"		
Selections	SF Officers 14	Non-SF Off 19
Mission 1st, men always.	4	2
Laws of war.	10	13
UCMJ	12	13
Oath of Commission	5	7
Rules of Engagement	10	11

Here again, there is a general consistency among the survey groups concerning the principles or basis for ethical behavior in combat. The laws of war, the Uniform Code of Military Justice, and rules of engagement represent the rules soldiers use to set the limits on the amount of violence used and the acceptable behavior of soldiers during combat operations. These are rules that soldiers understand well and are part of the ethical decision-making process.

5. "Is ethical decision-making training important?"
All SF (13) and Non-SF (18) officers agreed that ethical decision making is important.

6. "Do feel your level of knowledge about ethical decision

making is sufficient?" Of the SF officers surveyed, eight (61.5%) responded yes and five (38.46%) no. The non-SF officers answered the question with 16 yes (84.21%) and 3 no (15.78%).

The disparity between the two groups is difficult analyze. Based on comments provided by the surveyed officers, the difference may be caused by the different missions each group is trained to conduct. SF missions have the potential for more ethical dilemmas involving noncombatants and former combatants than conventional combat operations. The chief reason for this is the location of the SF teams on the battlefield. Conventional combat arms and combat support soldiers will normally confront enemy combatant forces with violent force. Both groups can face ethical dilemmas on the battlefield, yet the SF soldier's missions may require independent ethical decisions. Some Special Forces officers may perceive the need to have additional ethical decision-making training because of the unusual nature of SF missions.

7. "Would you like more ethical decision-making training in the Army education system?" Eight (75%) of the SF officers answered yes while four (25%) said no. The non-SF officers split on the question with 11 (61.12%) favoring more training and 7 (38.89%) opposing more training. The combination of the two groups shows a 63% to 37% split

wanting more ethical decision-making training. What accounts for the split? The split may be caused by realists who focus training time on unit mission essential task list (METL) activities and idealists who want training time available for issues that may present difficulties for soldiers during combat operations.

IV. Interviews

Interviews were conducted with three U.S. Special Forces officers and one special operations officer from Australia. All the American officers have been involved in combat operations. Two U.S. officers had served in operations in Saudi Arabia and Kuwait during the Persian Gulf War. One of these officers commanded an SFODA and the other an SFODB, a Special Forces company. The third U.S. officer commanded a SFODA during operations in Latin America. The Australian officer served with the Australian Special Air Service. They were asked the questions using the format listed in Appendix 2.

The interviews provided important information for the research. Ultimately, the answers to the interview questions served to confirm the results of the survey. The officers participating in the interviews furnished a key part in the assessment of the adequacy of ethical decision-making training for SF soldiers. This part was the

individual SF soldier and officer. Before the interviews, the literature review and the survey data focused on the training subjects and methods, but not on who was being trained. The soldier factor became very important to this study.

All the officers agreed that the question of ethics was addressed in their units. Before combat operations, their units had received standard briefings or updates on the Geneva Conventions. These briefings were essentially from a legal perspective. Military lawyers provided information to the SF soldiers in an effort to prevent breaches of the laws of war. This, in one officer's comments, also implied how to deal with ethical dilemmas. The two officers who served in the Persian Gulf War reported that official, or unit directed, law of war or ethical and moral issues briefings took place only at their home station in the United States. Once deployed, no further mention was made. Yet, one officer did report that even though there was no command emphasis, ethical issues were still discussed among unit members and possible resolution of ethical situations were considered. Some of these situations included how to reduce or limit collateral damage around military targets, what type of weapons to use in urban areas, and how to influence coalition forces' treatment of prisoners of war.

There was general consensus among the interviewed officers about post-operation effects of ethical decision making. None of the units had plans to deal with the psychological or emotional effects of making difficult ethical decisions. This aspect of the aftermath of combat operations is considered more a medical issue than an ethical one. The officers were all aware of the need to be alert for signs of stress and emotional wear and tear. They felt ethical decision making was just one of many factors that can affect a soldier in battle.

Besides the stress factor, the post-operation effects of ethical decision making is a leadership issue. According to one officer, unit leaders must share the responsibility for ethical decisions made by subordinates. This can be accomplished simply talking through the ethical dilemma and sharing individual feelings among the soldiers most closely involved with the decision. The interviewed officers agreed that leader participation in ethical decision resolution is essential

All the officers interviewed rated Special Forces soldiers with a "good" or "high" level of ethical decision-making skills. They attributed this to the age and experience of the sergeants and officers serving on operational detachments. The average age of a SFODA is 31 years old.[3] According to these officers, maturity among SF soldiers is important for missions that require

independence, and self-reliance. This can also be understood as a measure of "unsupervised predictability."

The officers questioned had no bias for any particular method of teaching ethical decision making. One officer presumed that instruction followed by practical experience would have merit. Yet, it was perceived that practicing ethical decision making was not a "training event."

Finally, the most important aspect of ethical decision making was summed up by one officer. He said that making the decision was the crucial part. A different perspective was offered by the Australian officer. His comment was, in counterterrorist operations, if an SF had to think, then decide, it would be to late. The decision must be instant or instinctive. Making the decision is the third step in the Army's four step ethical decision-making process. Making a decision is a key leadership skill. Timely decisions are vital on the battlefield. Ethical decision making, explained one officer, is part of leadership which is part of being an SF soldier.

Summary.

The research methodology tried to find out whether ethical decision-making training is adequate for Special Forces soldiers. A CGSC Student survey provided information about the sample population, responses to hypothetical

combat situations, and answers to general questions about ethics and ethical decision making. This information allowed for comparison, in general terms, between Special Forces officers and the non-SF combat and combat support officers surveyed The rate of response, or how many completed surveys were returned, was 52% of the number of surveys issued. Although a small sample population responded, the results can be projected to represent most officers.

The responses from the sample population provide valuable input and opinion about ethical decision-making training. The information allowed objective analysis of a very subjective subject. The survey approach to research on ethical decision making is subject to a certain margin of error. Yet, for this study, the information gathered represents a sensing of officers' attitudes about ethical training. Their assessment of current training practices and needs gives this study the necessary validity to develop conclusions and perhaps propose recommendations for future Special Forces training.

ENDNOTES

1. James N. Rowe, Five Years to Freedom, New York: Ballantine Books, 1971, p. 119 & 232. Col. Rowe was a Special Forces officer who, in 1963, was captured by the Vietcong in South Vietnam. He spent five years in enemy prison camps. He was the only American during the war to successfully escape from his captors. His book, Five Years to Freedom, is a landmark record of human endurance and strength. Col. Rowe was killed in an ambush by communist guerrillas in 1989 while serving in the Philippines.

2. Anthony Hartle, Moral Issues in Military Decision Making, Lawrence, KS: University Press of Kansas, 1989, p. 2.

3. The average age on a SFODA is 31 years, while the average age in a Ranger company is 21 years old. These figures were presented by MG Shachnow, CG USASFCOM, in lecture on 21 April 1992 at the CGSC, Ft. Leavenworth.

CHAPTER 5

CONCLUSIONS.

> What makes Special Forces different? Character and maturity; they can be counted on to do the right thing each and every time. They are reliable and dependable.[1]
>
> Major General Sidney Shachnow
> Commander U.S. Army Special Forces Command

The conclusion of this research suggests that the Army does provide adequate training of ethical decision-making skills for Special Forces soldiers. The hypothesis tested was to determine if there was a difference or a gap in the ethical decision-making training between SF and non-SF soldiers. The research on ethical decision making did not support the notion of a discrepancy between what is taught and what should be taught to SF soldiers. The Army can expect, with reasonable assurance, an adequate level of unsupervised predictability for ethical behavior from its Special Forces soldiers on the battlefield.

The Army relies on a soldier's ethical values acquired before enlistment or commissioning. Several factors influence a soldier's ethical values. The community where the soldier grew up, the schools, the churches, and

the work situation of the surrounding area all have an affect on developing sound moral values. Perhaps the greatest source of ethical development is in the family home. At home a young man or woman absorbs their family's ethical values. The Army hopes to build on these personal values by introducing to the young soldier and officer the professional Army ethic and individual soldier values.

The Army's task is to enhance personal values with the values of the profession of arms. From these values come the necessary skills to behave properly on the battlefield and make the best or correct decisions when faced with an ethical dilemma. During the Persian Gulf War, SF soldiers raised issues and discussed potential ethical or moral dilemmas that might have occurred during upcoming combat operations.[2] Issues such as how to reduce collateral damage in built-up areas and which weapons to use to engage different targets were discussed. Also considered was how best to handle a situation when confronted by enemy or friendly unethical behavior.

Yet the study also revealed some inherent weaknesses in the Army approach to training ethical decision making. The current method appears to provide only marginally adequate decision-making training. A consistent plan or program of training is missing for the SF soldiers who are preparing for future combat operations. Law of war briefings took place before deployment to Saudi Arabia. Yet, once the SF

teams arrived in Theater, there was no further command sponsored ethical instruction or training.

Was this an isolated, unit specific, occurrence or does it suggest a larger, more subtle deficiency in the training process? The information presented in this paper supports the former; the conclusion is the training is adequate. Still, without a sequential and repetitive training program, such as battle task training, the level of adequacy is questionable.

Special Forces missions often require the SF soldier to operate in small teams far from the support base. The potential to encounter ethical dilemmas is high. Conducting sensitive missions in enemy territory, advising allied units, or confronting hostile insurgent forces are likely Special Forces missions. Each type of mission can put the SF soldier at risk to make improper ethical decisions. More attention then should be placed on the quality of instruction and follow-on training in ethical decision making for Special Forces soldiers.

Based on the research, it seems that SF soldiers do not need supplementary ethical decision-making training. Still, among Special Forces majors surveyed, a few officers felt their ethical decision-making skills were not sufficient. A distinction should be made here between instruction and training. Instruction in ethics and its close ally, the laws of war, is usually taught in a lecture. The instructor

presents the information as the students listen. This is a normal teaching technique. It is entirely appropriate to teach ethics and the laws of war in this manner.

Training is the application of instruction. Within this subject, training is the practice of making ethical decisions. The officers who felt their ethical decision-making skills were insufficient, likely, only need to practice those skills more. In training, mistakes can be made and learning is reenforced. The research suggests that SF soldiers do not need "special," or advanced training. Yet, it does imply that ethical decision skills need to be practiced.

The current training at the Special Warfare Center, Fort Bragg, North Carolina and at Special Forces units is adequate for the SF soldier. The methods of instruction meet the needs of SF soldiers. Yet the training aspect of ethical decision making does not complete the instruction-training loop. Given the tools necessary to make proper ethical decisions, the SF soldier needs to exercise these skills. It will too late to consider the ethical implications of a dilemma when it comes time to make a decision in a combat situation.

Some Special Forces training does focus on rapid ethical decision making. The Special Operations Training Course (SOT) provides instruction and training to SFODAs in the tactics, techniques, and procedures used in assaults

involving hostage-terrorist situations. During this course the SFODA members learn about the detailed plans needed to execute a successful hostage rescue mission. One skill practiced involves distinguishing between terrorists and hostages; between a threat and non-threat. This distinction must be made at first glance. The SF soldier knows what to look for, decides, then acts - shoot the terrorist, spare the hostage. These raids are measured in seconds.

The training at SOT elevates ethical decision making to an instinctive level. Unfortunately, few Special Forces soldiers receive this type of training. The skills acquired at SOT require constant practice. The marksmanship, the coordination between team members, and the quick reactions make SOT skills highly specialized. To maintain proficiency, regular training or intense train-up periods are required. This applies equally to ethical decision making. Similar to Admiral Stockdale's "pressure cooker" approach to education, SF training, and ethical decision making in particular, should be conducted in a pressured environment. The goal is unsupervised predictability. Put the soldier in a difficult situation, present an ethical dilemma, and observe the outcome. The key is feedback to the soldier making the decision. Training conducted in this manner will elevate ethical decision making to the instinctive level.

The third observation from the research is that ethical decision training must include dilemma resolution. There is a subtle distinction between decision making and dilemma resolution. The situation in Chapter 4, that described the terrorist hijacking of a passenger plane, required a decision to resolve the situation. In all the options presented, there was great risk to the passengers. Dilemma resolution involves confronting the psychological responsibility of making a decision. Several surveyed officers commented that the situation about the hijacking, as described, was just a tactical decision and not an ethical one. They were concerned about the decision between how best to employ the sniper or whether to assault the aircraft. The outcome, it appears, would be the same in all options: the terrorist would be eliminated, killed or captured, and an unknown number of hostages would be harmed.

The full responsibility for the hostages' safety does not rest with the commander of the anti-terrorist unit alone. Yet his unit has the violent force necessary to end the dilemma. Training for this kind of operation must include psychological preparation of Special Forces soldiers. The ethical decision must resolve the dilemma and permit the soldier to continue the mission or go on to the next dilemma. Army ethical decision-making skills do not address the post dilemma needs of the individual. Guilt, frustration, anger, and despair are some of the myriad

emotional responses generated by ethical decision making. The Army's ethical decision-making process must incorporate the demands of post-decision emotional responses.

Exploring the distinction between an ethical or tactical dilemma needs further mention. Consider the dilemma of dead U.S. soldiers left on the battlefield. It is not a tactical decision to go back into hostile territory to recover the bodies of dead comrades. It is an ethical one. "I will never leave a fallen comrade to fall into the hands of the enemy," reads a line from the Ranger Creed. It expresses an obligation among Rangers to recover their dead. A result of recovering a soldier's body may mean more casualties. Why is there this sense of obligation among soldiers? The values of commitment, loyalty and courage come to mind when evaluating the reasons why a soldier would risk danger to go back for the bodies of dead comrades. The unit leader must be ready to assume responsibility for the resolution of the dilemma to go back and recover any soldier's body. The SF soldier also must be prepared to resolve the emotional responses of ethical decision making.

Recommendations.

From this study I offer two recommendations. The most important is the need for continued study in the field of ethical decision making. The sample population size should

be increased to assess a large sample of SF soldiers. Research should be conducted at both the Special Forces Groups and the Special Warfare Training Center.

A second area to examine is ethical decision making for the command and control elements, the unit leaders, of Special Forces organizations. The leadership of SF units rarely confront enemy forces directly. Their realm of decision making involves what missions to undertake, where to deploy operational detachments, when and for how long should a detachment be expected to operate, and perhaps most important, why employ SF soldiers at all for a given task.

The second recommendation involves ethics and ethical decision-making training. The Special Warfare Center (SWC) should develop a comprehensive program that is sensitive to the unique mission needs of operational detachments. This does not contradict current SWC policy of "no special rules for Special Forces."[3] Instead, a comprehensive training program complements this policy. A comprehensive training program should be a natural extension of the Army's doctrinal standards for ethical behavior and leadership. This program should include every aspect of ethics and ethical decision-making training. It should integrate training in the classroom, professional development programs, and training and evaluation outlines for unit rotating to the Army's Combat Training Centers (CTC). This comprehensive program should start at initial Special Forces

training and carry on through to the preparation for senior leadership positions. The goal of this program should be ethical consistency in the Army special operations forces.

A corollary to the second recommendation involves teaching and training. As mentioned above, teaching ethics and ethical decision making is only half the task. The other half is practice. Proficiency comes from practice. Yet too often the reality is that for ethical decision making, practice starts on the battlefield. Training opportunities allow for practice and learning. The key point between teaching and training is learning. Learning allows for mistakes or poor judgement. Feedback to the soldier or officer is critical in the learning process. Learning about ethical decisions must begin before the battle starts. The motive for a comprehensive training program is to prepare the SF soldier before there is a need to make ethical decisions.

A final point about the comprehensive training program is the need to develop useful guidelines for feedback to SF soldiers undergoing ethical decision training. Instructor comments, after action review comments by observer-controllers, and counselling from unit leaders should be consistent with the training program. Standard terminology, levels of understanding based on experience, and a subject matter guide of reference material would be useful tools for soldiers and leaders.

Ethical behavior is part of leadership. Special Forces units are essentially units of leaders. Every member of an A-detachment can be called upon to take charge of a training event, combat patrol, or indigenous forces, if required. These leaders are responsible for their ethical behavior and decision making. Often these soldiers teach their peers or serve in the capacity of unit evaluators during exercises. A standard reference document or appendix to a leadership manual would put material on ethics, ethical behavior, and decision making in one source. A one-source reference will ease the transition from instruction to practice.

The observations gathered from the research and the recommendations offered provided a valuable experience in examining an important part of the military's charter. Professionalism is a badge of distinction that few occupations can claim. Ethics in the armed forces are an essential element of the charter. From time to time the ethical standards of the armed services should be reviewed and, if necessary, changed.

Ethics and ethical decision making are not popular subjects. At times they are taken for granted. They normally only receive attention when there has been a breakdown of ethical standards. As the world security situation evolves, Special Forces soldiers will continue to be the first American military forces on the scene at troubled spots. The Army must depend on their ethical

behavior. Without the confidence of unsupervised predictability, the unique value of Special Forces units will be degraded. Opportunities for peaceful resolution of conflicts could be lost because of inappropriate ethical behavior on the part of SF soldiers.

To achieve an acceptable level of unsupervised predictability, Special Forces leaders should accept the Aristotelian premise that ethics is a matter of habit. Resolving ethical dilemmas should be practiced. In this way Special Forces soldiers are better prepared to operate on the battlefield.

ENDNOTES

1. MG Shachnow addressed the US Army Special Forces officers attending the Command and General Staff College on 21 April 1992. His comments concerned his impression of what makes SF soldiers different from conventional troops. MG Shachnow listed five areas: motivation, language skills, cultural awareness/orientation, interpersonal skills, and character and maturity.

2. Based on remarks in an interview with CPT James R. Dillon, SFODA commander, 5th SFG(A). CPT Dillon served as a Brigade advisor to the Kuwaiti Mechanized Division that participated in Operation Desert Storm. The Kuwaiti Division attacked as part of the Saudi Arabian Corps. It fought in and around Kuwait City from 23-29 February 1991.

3. Information provided by CPT Michael Newton, former Staff Judge Advocate (SJA) of the Special Warfare Center, Fort Bragg, NC. Cpt Newton explained that besides the theme of no special rules for Special Forces, the Commanding General SWC, Major General Guest, stressed that SF soldiers should "do what's right, not what's easiest." Letter dated 5 Jan 92.

APPENDIX 1

Research Survey.

Part A. Demographic Information

A. RANK:_____

B. AGE:_____

C. PRIMARY MOS/BRANCH:_____

D. TOTAL # YEARS ACTIVE DUTY:_____

E. COMBAT EXPERIENCE Y/N:_____

(INCLUDE Contingency & Peacekeeping Opns)

F. LIST MILITARY SCHOOLS (3 Months +):

G. CIVIL EDUCATION (CIRCLE): BA MA PHD

Part B. Hypothetical Situations 1 - 6.

NOTE: The following are hypothetical situations for you to read. Then circle a response that best resolves the dilemma in each situation. I also solicit your comments and recommendations about the subject and possible future training of ethics and ethical decision-making for Army soldiers. I understand that a hypothetical situation, without the stress and confusion of combat conditions, will not provide the same response as when faced with an actual ethical dilemma. But this response will provide some sense or indication of the status of ethical decision-making training. Again, your identity will remain anonymous and the response information will be confidential.

Situation 1.

The following report was sent from a company commander to his battalion commander: "Today we captured the town of Carterville. Suspecting that the residents had planted mines in the town, I had the area temporarily evacuated and searched. The search yielded the following: 20 antipersonnel mines in one home, and an enemy officer in another home. Guerrillas delivered the mines to family "A". The family was to lay the mines. The father of family A states that members of his family are noncombatants. Family B, who was concealing the enemy officer, also claimed noncombatant status. What is to be done with families A and B, whom I have taken into custody? I recommended burning their homes as a deterrent to others."

You are the battalion commander, how would you respond to the company commander? Select an answer.

A. Release the families because they are noncombatants.

B. Turn the families over to Host Nation or military police, as this is a police matter, and the families should be tried by proper authorities.

C. Conduct a trial to decide the guilt or innocence of the families aiding the enemy; if found guilty, they become prisoners of war and burning their homes is justified; if found innocent, they should be released.

Do you consider this an ethical dilemma? Yes / No

Situation 2.

While preparing to defend a heavily populated village, a brigade commander wants to clear the battle area of remaining civilians. The evacuation is necessary to complete the mission and for the safety of the local populace. The commander directs the S-3 to disseminate the following order:

"Prior to 2400 hrs today A Company, 1st Battalion, will announce the evacuation using posters printed by the Civil Affairs detachment, and the A company commander will notify the village mayor about the evacuation. The evacuation will be conducted between 0600 and 1800 tomorrow. Route Blue will be kept clear for the evacuation. Forcible evacuation is authorized. Transport is available if civilians refuse to be evacuated. Houses of individuals refusing to be evacuated will be destroyed. Military police units will be available at 0600 hrs tomorrow to enforce punitive measures as necessary.

You are the A Company commander, some villagers say they will not move. Would you have any reservations about the order as given? Select an answer.

A. The order is illegal. Individual or mass evacuations by force and the displacement of protected individuals in a combat area are prohibited.

B. A lawful evacuation can be carried out by force if the civilian populace does not obey the evacuation order. Also, noncomplying inhabitants may be punished for refusing to abide by these orders. Note: any punishment must be left to the judgement of a military court.

C. The order is lawful. Punishment can be imposed summarily if the military situation dictates immediate compliance by the civilians. Measures designed to intimidate the civilian populace (destruction of their houses) are permissible to obtain compliance.
Do you consider this an ethical dilemma? Yes / No - Explain

Situation 3.

Your platoon occupied an enemy village. There were no enemy soldiers in the village. You had orders to gather any

weapons from the villagers, military or civilian. No weapons were turned over and none were found. Later, a squad leader was killed; shot in the back presumably by a resident of the village. Members of the platoon immediately conducted a house to house search and rounded up some civilians. It was certain that no one had escaped before or during the search.

Certain soldiers now urge you to order the civilians to point out the perpetrator. The soldiers say to threaten them with execution if they refuse. Some demand that three civilians be shot in retaliation for the murder of their comrade and that the house from which the shot came be burned.

Your company is occupying a night defensive position. Your sector of the defense includes the village. What do you do? Select an answer.

A. It is permissible to apply physical (burning the house) or mental coercion (threaten reprisals) to protected civilians to gather information when one of your soldiers has been killed. You need to find out who killed your squad leader so the guilty person can be brought to justice.

B. Evacuate the sergeant's body and continue your mission. Reprisals in occupied territory against civilians

and their property are forbidden under the law of war.

C. Evacuate all civilians to the PW collection point with a report of the incident to the military police.

Do you consider this an ethical dilemma? Yes / No -

Situation 4.

A man wearing a ragged enemy camouflaged uniform was captured in the rear area near a vital railway bridge. He was carrying a radio. A pistol was found hidden under his jacket. The uniform lacked identifiable unit markings. He did not resist capture. When interrogated, the prisoner stated that he hid for three weeks after making a parachute jump to scout enemy troop movements. The bridge has been under constant air attack for the last two weeks. He probably directed the air attacks to targets on and near the bridge. As the interrogating officer, you tell the prisoner that he will not be treated as a prisoner of war, but will be tried as a spy. The prisoner replies that he is a soldier and was carrying out his mission and did not violate the law of war.

You need to find out whether there are more enemy soldiers operating in the rear area. The enemy air attacks continue with deadly accuracy. Select a response.

A. Because the prisoner did not have any unit insignia and carried a concealed weapon, he looses his prisoner of war status and can be tried as a spy. Because he is a spy, you can use any means to gain the information.

B. Because the prisoner was operating in the rear area clandestinely, he was operating outside the legal bounds of the law of war. Covert and clandestine operations are not legitimate combat operations; the soldier was acting in the capacity of a spy and therefore can be tried as a spy. Torture cannot be used as a means to gain information from a PW or a spy.

C. This prisoner cannot be tried as a spy. Members of the armed forces in uniform who obtain information in the enemy zone of operation do not commit espionage. Reconnaissance is a lawful combat activity. Camouflage is a permitted ruse provided civilian clothing or the enemy uniform is not used during the intelligence-gathering operation. You can only interrogate the prisoner.

Do you consider this an ethical dilemma? Yes / No

Situation 5.

A terrorist, armed with automatic weapons and explosive devices, commandeered a commercial aircraft and is holding

48 passengers hostage on board. The terrorist is physically holding a female passenger in front of him as a human shield. The terrorist has activated a timing device attached to an explosive charge large enough to destroy the aircraft and kill all the hostages. The device will detonate in ten minutes if his demands are not met. The terrorist will trade the lives of the hostages in exchange for the release of an imprisoned terrorist and safe passage to a neutral country. A sniper, from an anti-terrorist unit, can clearly see the terrorist but may kill the female hostage that is held as a human shield. The terrorist's demand will not be met. Time is running out for the 48 hostages.

You are commanding officer of the anti-terrorist unit. What is you next move? Select a response.

A. You do not allow the sniper to shoot, hoping the terrorist will release the woman and then possibly release all the hostages.

B. You allow the sniper to shoot; accepting the risk of harm to the hostage.

C. You opt to storm the aircraft, hoping to distract the terrorist and allowing the sniper a clear shot.
Do you consider this an ethical dilemma? Yes / No

Situation 6.

Your company is to attack an enemy position on Hill 504. You are the platoon leader of 1st platoon, on the left flank of the company assault. The hill is covered with low vegetation and enough trees to obscure long range observation. Ground level observation and cover is fair. The objective is "prepped" with a 10 minute artillery fire. As the company attacks on line, the enemy puts up effective return fire. Every Platoon takes casualties. Your platoon has three casualties, none serious. The platoon has reached a small outcropping of rocks that provide good cover. 1st and 3rd squads lay a base of fire. You signal 2d squad to advance. The squad leader, about 5 meters from you and your RTO, looks ahead, then shouts back that he's not moving. Soldiers in 2d squad can see and hear their squad leader. Under fire, you move over to the squad leader and give him the order to move forward with his squad. He continues to refuse.

By now the other platoons have advanced some 50 meters farther up the slope. Because of the gap between your platoon and the rest of the company, the center platoon is taking flanking fire from a position to your front. You tell the squad leader if he does not move out, you will recommend a court martial for cowardice. The company CO, on the radio, wants to know what's holding you up, your delay

is killing soldiers in 2d platoon - get moving! You bring your rifle up to the squad leader and tell him to move out. He still refuses.

What is your next action? Select an answer.

A. Pull the trigger. Cowardice in the face of the enemy is punishable by death. You need to get this platoon moving and you need to show that you mean business.

B. Call up 3rd squad and give them the order to move up. They are sure to take more casualties over open ground to their immediate front. Your platoon must close the gap to take the pressure off 2d second platoon.

C. Disarm the squad leader, tell him he is under arrest for cowardice. Take charge of 2d squad and lead them up the hill. You must close the gap and silence the enemy position firing on 2d platoon.

Do you consider this an ethical dilemma? Yes / No

Part C. **Final Questions**

1. In your military training, when did you receive instruction on military ethics and ethical decision-making? (circle one/more)

   a. Civil education

   b. Cadet/Candidate (West Point, ROTC, OCS)

   c. OBC

   d. OAC

   e. CGSC

   f. other_____

2. Do you think there is a good technique to teach military ethics and ethical decision-making?
(circle one/more)

   a. Classroom instruction & discussion.

   b. Role playing.

   c. Independent reading.

   d. Field exercise situations.

   e. None of the above

   f. Other_____

3. In your opinion, who in the armed forces should receive ethical decision-making training?
(circle one/more)

   a. Officers only

   b. Officers & NCOs

   c. Combat forces

d. Everyone

f. Other_____

4. Is there a guiding principle for maintaining ethical standards during combat operations.

(circle one/more)

a. "Mission first, men always."

b. The law of war.

c. The UCMJ, the professional Army ethic, and individual values.

d. The oath of commission.

e. Rules of engagement.

f. Other_____

5. Do you feel ethical decision-making training is important?

Yes / No.

Why / Why not.

6. Do you feel your level of knowledge about ethical decision-making is sufficient?

Yes / No.

Why / Why not.

7. Would you like more ethical decision-making training in the Army education system?

Yes / No. Why / Why not.

Appendix 2

Interview Format

A. Description of Interviewees.

1. Service/Country.

2. Combat Veteran: Y/N.

3. Confident in the tenets of the laws of war: Y/N.

B. Questions.

1. Before combat operations, was the question of ethics, directly or indirectly addressed in your unit (i.e., was the operation thought through ahead of time in terms of possible ethical situations or ethical dilemmas)?

2. In your experience, did your unit prepare its soldiers or plan to deal the aftermath or post-operation effects of ethical decision making (ie: guilt or depression)?

3. How well do you rate the level of ethical decision-making skills in Special Forces units?

4. What is the best way to teach ethics, law of war, and ethical decision making?

5. What is the most important aspect of ethical decision making?

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